

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO.: 0:22-cv-62099-GAYLES/STRAUSS

DWIGHT PRUDE,

Plaintiff,

v.

**KILOLO KIJAKAZI,
Acting Commissioner of Social Security
Administration,**

Defendant.

ORDER AFFIRMING AND ADOPTING REPORT OF MAGISTRATE JUDGE

THIS CAUSE comes before the Court on Magistrate Judge Jared M. Strauss’s Report and Recommendation (the “Report”) [ECF No. 19]. On November 14, 2022, Plaintiff filed a Complaint seeking judicial review of the final decision of the Commissioner of Social Security (the “Commissioner”) denying Plaintiff’s entitlement to disability benefits. [ECF No. 1]. The matter was referred to Judge Strauss pursuant to 28 U.S.C. § 636(b)(1)(B) for a ruling on all pretrial, non-dispositive motions and for a Report and Recommendation on any dispositive motions. [ECF No. 2]. On September 15, 2023, Judge Strauss issued his Report recommending that Plaintiff’s Motion for Summary Judgment [ECF No. 15] be denied, the Commissioner’s Motion for Summary Judgment [ECF No. 17] be granted, and that the Commissioner’s decision be affirmed. Plaintiff has timely objected to the Report. [ECF No. 20].

A district court may accept, reject, or modify a magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1). Those portions of the report and recommendation to which objection is made are accorded *de novo* review, if those objections “pinpoint the specific findings

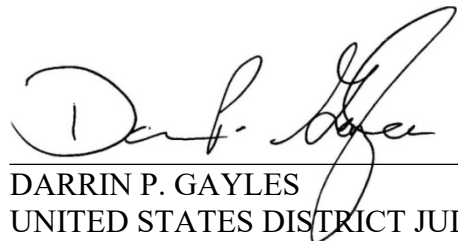
that the party disagrees with.” *United States v. Schultz*, 565 F.3d 1353, 1360 (11th Cir. 2009); *see also* Fed. R. Civ. P. 72(b)(3). Any portions of the report and recommendation to which *no* specific objection is made are reviewed only for clear error. *Liberty Am. Ins. Grp., Inc. v. WestPoint Underwriters, L.L.C.*, 199 F. Supp. 2d 1271, 1276 (M.D. Fla. 2001); *accord Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006).

The Court has conducted a *de novo* review of the record and agrees with Judge Strauss’s well-reasoned analysis and recommendation that the Commissioner’s decision should be affirmed. Accordingly, it is

ORDERED AND ADJUDGED as follows:

- (1) Judge Strauss’s Report and Recommendation [ECF No. 19] is **AFFIRMED AND ADOPTED** and incorporated into this Order by reference.
- (2) Plaintiff’s Motion for Summary Judgment [ECF No. 15] is **DENIED**.
- (3) The Commissioner’s Motion for Summary Judgment [ECF No. 17] is **GRANTED**.
- (4) The Commissioner’s decision is **AFFIRMED**.
- (5) This action is **CLOSED** for administrative purposes.

DONE AND ORDERED in Chambers at Miami, Florida, this 27th day of October, 2023.


DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE